

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	

MCI's SUBSCRIBER NOTIFICATION REPORT

MCI Inc., ("MCI") submits this "Subscriber Notification and Acknowledgment Status and Compliance Report" ("Report"), detailing MCI's efforts to notify its customers and obtain affirmative acknowledgments from its customers consistent with the requirements of the *VoIP E911 Order*.¹

The Enforcement Bureau has indicated that "it will not initiate enforcement action, until August 30, 2005, against any provider of interconnected VoIP service regarding the requirement that it obtain affirmative acknowledgement by every existing subscriber," conditioned on the filing of a report on or before August 10, 2005, containing the type of information that MCI provides herein.²

MCI's Interconnected VoIP Services

MCI, through its operating subsidiaries, currently provides two services that meet the definition of "interconnected VoIP service" set forth in the *VoIP E911 Order* and therefore are subject to the order's requirements: MCI Advantage and Neighborhood Broadband Calling.

MCI Advantage is a complete convergence solution that consolidates business customers' voice and data applications over a single data network. It provides customers

¹ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116 (rel. June 3, 2005)(*VoIP E911 Order*).

² Public Notice, WC Docket Nos. 04-36, 05-196, DA 05-2085 (rel. July 26, 2005)(*Notice*).

with one network for all communications (voice, data, and Internet), one network for all features (voice mail, call forwarding, and many more), and one website to control and manage voice applications. More than just a VoIP solution, MCI Advantage allows customers to manage their networks more efficiently, reduce costs, and take advantage of new, leading-edge, multimedia, business applications.

Neighborhood Broadband Calling is a digital voice service for mass market customers that sends end user calls over the Internet via the customer's existing Digital Subscriber Line ("DSL") or cable broadband connection. There are several Neighborhood Broadband Calling products, including one that provides customers with unlimited local and domestic long-distance calling as well as familiar features such as call forwarding, call waiting, three-way calling, and Caller ID, as well as web-based features not available with traditional telephone services. MCI launched Neighborhood Broadband Calling on a limited, trial basis in June 2005. Because MCI only recently introduced Neighborhood Broadband Calling on a limited, trial basis, the number of existing customers is relatively small.

Subscriber Notification Report

The Enforcement Bureau has asked for specific, detailed information regarding providers' implementation of the customer notification and acknowledgment requirements of the VoIP E911 Order. Because MCI Advantage and Neighborhood Broadband Calling are different products provided to different customer segments, the customer notification and acknowledgment processes for each are not identical. In what follows, MCI provides the requested information, separately for MCI Advantage and for Neighborhood Broadband Calling.

- 1) **A detailed description of all actions the provider has taken to specifically advise its subscriber base, prominently and in plain language, of the circumstances under which E911 service may not be available through the interconnected VoIP service and/or may be in some way limited by comparison to traditional E911 service. This information should include, but is not limited to, relevant dates and methods of contact with subscribers (i.e., e-mail, U.S. mail)**

MCI Advantage

On July 14, 2005 MCI sent the first of a series of email notices to existing Advantage customers. Subsequent emails were sent on July 20, July 28, and August 4.

The notice advises Advantage customers prominently and in clear language of the E911 limitations associated with the service. The subject line of the notice, in capital letters, reads, "VOIP 911 EMERGENCY SERVICES ACCESS; YOUR IMMEDIATE RESPONSE IS REQUIRED." Then, in the first paragraph, after two introductory sentences, the notice advises customers, in bold-type print, "Please be aware that your ability to reach 911 emergency services using MCI ADVANTAGE may be limited in certain circumstances." The notice goes on to advise of situations in which customers' ability to complete a call to 911 could be limited, including: loss of electric service; loss of broadband service; failure of equipment; failure to register new location of equipment (the letter notes that MCI currently is not able to provide 911 emergency service except at the user's primary location, but MCI is developing procedures in accordance with the *VoIP E911 Order's* requirements concerning nomadic service); non-recognition of phone number; and geographic limitations.

Recipients were asked to reply to the email and signify either their understanding of the capabilities and limitations described in the letter or their request for further information. In addition, beginning on July 22, MCI began a telephone campaign to

contact those who had not yet responded to the emails. The telephone effort has been ongoing since July 22.

For new subscribers, MCI has updated its standard contractual language to reference a newly required 911 disclosure and acknowledgement form, which customers must execute and return to MCI. This form is materially the same in substance as the email notice.

Neighborhood Broadband Calling

A. New Customers

MCI has acquired Neighborhood Broadband Calling customers via three sales channels: inbound customer service sales, outbound telemarketing sales, and online sales.

Inbound Customer Service Sales: New customers that call an MCI service center to sign up for Neighborhood Broadband Calling are first notified of the E-911 limitations during the sales process. The MCI sales representative is required to advise the potential customer that in the event of a loss of power or broadband connectivity, the customer will not have access to 911 emergency services, and that access to 911 emergency services is only available from the customer's registered home address (MCI is developing procedures in accordance with the *VoIP E911 Order's* requirements concerning nomadic service). The sales representative also advises the customer to read the E-911 details in their fulfillment kit that is sent to new customers.

After the sales process is complete, the customer is transferred to an Automatic Response Unit ("ARU") that provides the following advisory concerning access to 911 emergency services:

Access to 911 emergency services may be limited or unavailable under certain circumstances. Your Neighborhood Broadband Calling service is

designed to provide access to 911 emergency services at the service address you provided to MCI when you signed up for service. Before you attempt to use your phone from another location, you must contact Neighborhood Broadband Calling customer service to update your location. Depending on your new location, access to 911 emergency services currently may or may not be available. Even if access to 911 emergency services is available from your new location, there may be a delay in updating your location information, during which access to 911 emergency service will not function properly. In addition, please be aware that access to 911 emergency service with your Neighborhood Broadband Calling service will not be available if there is a broadband connection failure, a loss of electrical power, an equipment failure, or other interruption to your broadband connection.

If applicable, the message also states:

Because you are transferring an existing number to Neighborhood Broadband Calling, you will be assigned a temporary telephone number, which will be in service while your existing service is transferred. Please be aware that access to 911 emergency service will not be available from your Neighborhood Broadband phone while you have your temporary number.

The ARU records the customers' acknowledgment that they have been notified of the 911 limitations and that they accept and understand them. The customer cannot provide this acknowledgment until he has listened to the entire advisory. This process was introduced on July 29, 2005. Inbound sales are not processed unless and until the customer has completed the ARU process.

Outbound Telemarketing Sales: MCI acquired a limited number of customers via outbound telemarketing sales, and beginning July 2, 2005, MCI began notifying these customers of the 911 limitations through a Independent Verification system. These customers were first notified of the 911 limitations during the sales process, as described above for inbound sales. After the sales process was completed, the customers were transferred to the independent verification agent, who provided similar 911 service

information as in the ARU process described above and recorded the customer's acknowledgment. Outbound sales as of July 2, 2005 were not processed until the independent verification had been completed.

Online Sales: New customers that sign up for Neighborhood Broadband Calling online are notified of the 911 limitation during the online sales process. Specifically, in capital letters, the web page on which customers place their order reads:

“YOUR ABILITY TO REACH 911 EMERGENCY SERVICES USING NEIGHBORHOOD BROADBAND CALLING MAY BE LIMITED OR UNAVAILABLE IN CERTAIN CIRCUMSTANCES.”

The notice goes on to provide specific limitations, such as the unavailability of access to 911 emergency services if there is loss of broadband service or electrical power, or relocation of the Neighborhood Broadband Calling device. The customer is required to check a box that indicates understanding and acceptance of the 911 limitations. The customer cannot proceed and complete the sales process without providing this acknowledgment. This process was implemented on July 28, 2005.

B. Existing Customers

On July 22, 2005 MCI sent an email notification to existing customers that had signed up for service prior to July 22, 2005, with the exception of those already notified via the TPV process described above. The subject line of the email, in bold capital letters, reads:

“IMMEDIATE RESPONSE REQUIRED-IMPORTANT 911 INFORMATION FOR YOUR NEIGHBORHOOD BROADBAND CALLING SERVICE.”

The first paragraph the notice advises customers, in bold-type print:

“Please be aware your ability to reach 911 emergency services using Neighborhood Broadband Calling may be limited in certain circumstances.”

The email then provides information on the limitations associated with access to 911 emergency services when using Neighborhood Broadband Calling Service and requests that the customer confirm that they have received, read, understand and acknowledge the limitations described in the email. A reminder email was sent on July 28, 2005 to customers that had not yet responded.

Moreover, customers that had signed up for service between July 22 and July 28 received an email notice between July 25 and July 29, 2005. A reminder notice was sent to the customers that had not responded to these emails on August 3, 2005.

Furthermore, information regarding access to 911 emergency service is provided on MCI's website (<http://consumer.mci.com/VOIP/VoIPFags.htm>) as a separate link and as part of the "Frequently Asked Questions." It is also included in the *Neighborhood Broadband Calling Getting Started Guide* and *Neighborhood Broadband Calling User Guide*, both of which are accessible through links from this webpage. A copy of the *Neighborhood Broadband Calling Getting Started Guide* is sent to customers as part of their fulfillment package when they receive their Telephone Adaptor ("TA"). The *MCI VoIP Terms of Service*, which contains detailed information on 911 Service, is also included in the fulfillment package.

- 2 A quantification of how many of the providers' subscribers, on a percentage basis, that have submitted an affirmative acknowledgement, as of the date of the report, and an estimation of the percentage of subscribers from whom they do not expect to receive an acknowledgement by August 29, 2005.**

MCI Advantage

Fifty-six percent of existing MCI Advantage customers have submitted an affirmative acknowledgment as of August 9, 2005. MCI is making a concerted effort to

contact and obtain affirmative acknowledgments from its remaining customers, and MCI expects to receive acknowledgments from the vast majority of them. MCI does not expect the percentage of customers who do not respond to exceed ten percent.

Neighborhood Broadband Calling

Fifty-three percent of existing MCI Neighborhood Broadband Calling customers have submitted an affirmative acknowledgment as of August 8, 2005. MCI is making a concerted effort to contact and obtain affirmative acknowledgments from its remaining customers, and MCI expects to receive acknowledgments from the vast majority of them. MCI does not expect the percentage of customers who do not respond to exceed ten percent.

- 3 A detailed description of whether and how the provider has distributed to all subscribers warning stickers or other appropriate labels warning subscribers if E911 service may be limited or not available and instructing the subscriber to place them on and/or near the customer premises equipment used in connection with the interconnected VoIP service.**

MCI Advantage

On or before July 29, 2005, MCI sent all existing customers a letter including the requisite warning stickers. The sticker states:

Warning: 911 SERVICE MAY BE LIMITED OR UNAVAILABLE

- If you relocate your phone to a different location, you must contact MCI.
- If you have any questions, call MCI at 877-769-8956.

All new subscribers who sign up for service after July 29, 2005, will receive stickers when they sign up for service.

Neighborhood Broadband Calling

On or before July 29, 2005, MCI sent two warning stickers to each of its existing Neighborhood Broadband Calling customers. All new subscribers who sign up for service after July 29, 2005, will receive two stickers with their TA. The sticker reads:

Warning: 911 SERVICE MAY BE LIMITED OR UNAVAILABLE

- 911 is not available if you lose electrical power or your broadband service
- If you relocate your phone to a new service address, you **MUST** notify MCI immediately
- For more information, please visit www.mci.com/911information

- 4 A quantification of how many subscribers, on a percentage basis, to whom the provider did not send the advisory described in the first bullet above and/or to whom the provider did not send warning stickers or other appropriate label as identified in the bullet immediately above.**

MCI Advantage

None.

Neighborhood Broadband Calling

None.

- 5 A detailed description of any and all actions the provider plans on taking towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory, including, but not limited to, disconnecting the subscriber's VoIP service with the Company no later than August 30, 2005.**

MCI Advantage

MCI will continue the outreach campaign described above, which includes emails and phone calls, through August 30, 2005. It is MCI's goal to avoid suspension or

disconnection of any of its customers. This is particularly true of its Advantage customers, with whom MCI has signed agreements and for whom disconnection would be especially disruptive, as it would cause loss not only of dial tone but also of broadband access, and all other functionalities associated with the Advantage product. Nevertheless MCI intends to comply with the VoIP E911 Order and any associated Commission directives, including the Enforcement Bureau's expectation that "if an interconnected VoIP provider has not received subscriber acknowledgements from 100% of its existing subscribers by August 29, 2005, then the interconnected VoIP provider will disconnect, no later than August 30, 2005, all subscribers from whom it has not received such acknowledgements."³

Neighborhood Broadband Calling

On July 28 and July 29, 2005, MCI conducted a calling campaign to customers who had not responded to the emails described above. If the MCI representative reached the customer or an answering machine or voicemail, the representative referred the customer to the email and directed her to reply according to the instructions in the email.

MCI is also in the process of sending another round of emails to those customers that have not responded. That email will inform those customers that, starting August 30, 2005, they will be unable to receive or make any calls via their Neighborhood Broadband Calling until MCI receives their response, with the exception of existing 911 capabilities and customer service. MCI intends to comply fully with the *VoIP E911 Order* and any associated Commission directives, including the Enforcement Bureau's expectation that "if an interconnected VoIP provider has not received subscriber acknowledgements from 100% of its existing subscribers by August 29, 2005, then the interconnected VoIP

³ Notice at 2.

provider will disconnect, no later than August 30, 2005, all subscribers from whom it has not received such acknowledgements.”⁴

6 A detailed description of how the provider is currently maintaining any acknowledgements received from its subscribers.

MCI Advantage

MCI is tracking the acknowledgments it receives from its customers via email and has plans to incorporate those documents into the customers' MCI Advantage contracts.

Neighborhood Broadband Calling

MCI currently maintains the acknowledgements it receives in response to the emails sent to existing customers on a hard drive. MCI maintains the records of the ARU acknowledgements from its new inbound subscribers on an MCI database. For those customers who signed up via outbound telemarketing sales, MCI's TPV vendor maintains the TPV recordings as digital files, to which MCI has access. For online sales, MCI's sales partner maintains the acknowledgement records, to which MCI has access.

7 The name, title, address, phone number, and e-mail address of the person(s) responsible for the Company's compliance efforts with the VoIP E911 Order.

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⁴ *Id.*